

ECF Informer

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EXTRA, EXTRA, READ ALL ABOUT IT! Changes to Filing an Application to Employ

We have modified the procedures for filing an Application to Employ to make it much easier for our electronic users.

The new enhancement will be in place on January 18, 2005.

These changes include the addition of new events for both attorney and trustee users and will clarify the process of employing attorneys and other professionals.

Currently, both attorney and trustee users select the Application to Employ option from the Motions/

Applications category to employ an attorney or other professional, such as a realtor or accountant.

The new changes will allow attorney users to specify by selecting **APPLICATION TO EMPLOY ATTORNEY** or **APPLICATION TO EMPLOY PROFESSIONAL**.

Trustee users will refer to their specific Trustee/US Trustee category to file an Application to Employ.

The Step by step instructions that follow are specifically for attorney filers, and

will also be included in the next updates to the ECF User's Manual available on the website at www.utb.uscourts.gov.

Trustees will receive separate instructions from the Training Department. I encourage every registered user to bookmark the manual on your browser and refer to it when filing documents electronically.

The example below will demonstrate the process for an attorney user to file an Application to Employ Counsel for the Debtors:

1. Select Motions/Applications from the category list.
2. Enter the case number and click the [Next] button to continue.
3. Select the title of the pleading you are filing from the list of events available. In this example I will highlight Employ Attorney, and click [Next].
4. Select the moving party filing the pleading. In this case, the attorney is filing in behalf of the debtors.
5. A Party Associations screen will appear and ask if you would like to make an association with the party selected.
6. If the application is to employ you, as counsel, and you used your attorney user login, you may simply check the boxes in Figure 1 to show representation.

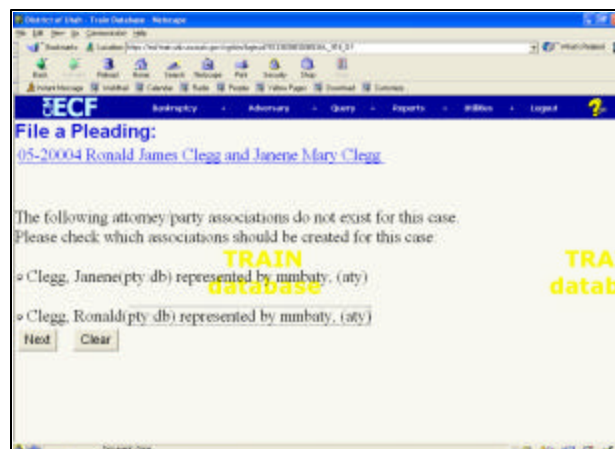


Figure 1

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CM/ECF

INFORMATION

- November and December marked record months for electronically filed bankruptcy cases in the District of Utah, as 63% of new bankruptcy petitions were filed by our ECF attorneys. The total new case filings for November was 1651 with 1045 filed ECF. In December, 1371 new cases were filed with 865 filed ECF. The court expects this number to rise as new attorneys come on board in 2005.
- CM/ECF Version 2.6 was installed on the Court's database on December 11th, 2004. The only impact this new version brought to external users was a PACER fee increase which became effective January 1st, 2005. The PACER fee was increased from 7 cents a page to 8 cents a page and the document cap increase to \$2.40.

ECF Document Linkages

Adding links are extremely important, especially in large cases. They allow easy access to associated pleadings; however, a pleading does not have to be linked to all associated pleadings in your entry.

When we create a relationship between documents, it also creates a hyperlink that allows the user to view the additional pleadings within that entry.

An example of this could be a **Response** to the Debtor's Objection to Trustee's Motion to Dismiss.

The **response** should be linked to the Debtor's Objection only. Should you choose to cut and paste, only cut and paste the pertinent pleading (Objection), no need to include the Trustee's Motion to Dismiss.

The same thing is true when the pleading has a hearing scheduled. Link your entry to the pleading you are referring to, do not link to the hearing.

When creating a relationship with a proof of claim — such as entering an objection to claim, it is important to remember to put comas between claim numbers and do **not** remove the period at the end of the last claim number.

The period is part of the programming language that allows you to view the actual image of the claim.

Example: 1,2,3.

If you add additional words between the claim numbers such as **and**, it will nullify the linkage.

Example: 1 and 2

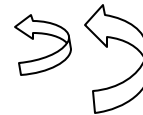
The claim numbers will show in the docket text, but you will not be able to view the claim from this entry.


 **Trustee's Motion to Dismiss**


Debtor's Objection to the Motion to Dismiss (linked to Trustee's Motion to Dismiss).

Notice of hearing on the Objection (linked to Debtor's Objection to the Motion to Dismiss).

Response to the Objection (linked to the Debtor's Objection).



 *Amended Notice of Hearings should be linked to the document that is being heard and not to the original Notice of Hearing.*

 *When docketing a Pending Order that involves a Motion for Entry of Order, link to the original Motion and not the Motion For Entry of Order. If the Motion has an Amended Motion, link to the Amended Motion.*

Employ, from pg 1

7. If you were unable to check the box, because it doesn't apply, you must add the attorney you wish to employ, in the Search for An Attorney screens that will follow.
8. If you **did** check the boxes on the previous screen, counsel has already been added and you can click on [End Attorney Selection] on the screen shown in Figure 2
9. The filer will then be asked to type the name of the person to be employed. Then browse, verify and attach a pleading. (Figure 3)
10. Finally, the last screen before submitting your transaction will appear. Verify the information for accuracy and submit your filing to the court.

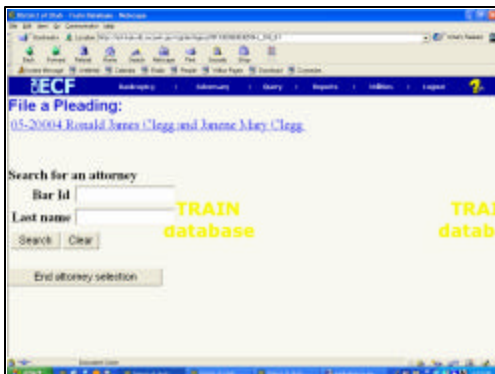


Figure 2

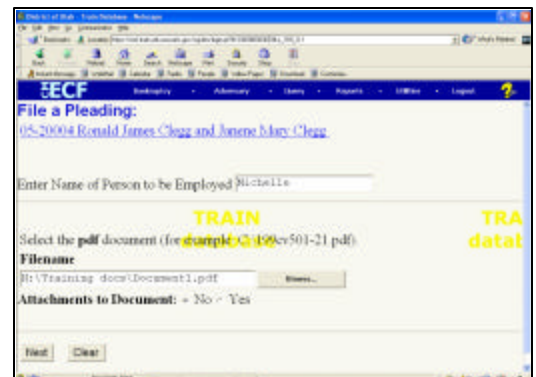


Figure 3

PDF Document Conversion Advice

ECF users should be aware of the two different processes in which to convert documents to PDF.

Scanning a document versus converting it from word processing software affect the file size (sometimes dramatically) and may cause problems during the filing to the ECF system.

Users should try whenever possible, to convert their documents from word processors (or bankruptcy software).

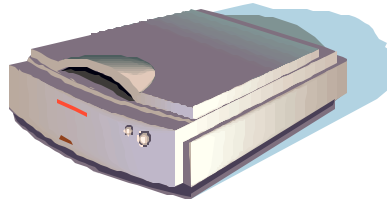
Scanned documents create much larger files, take longer for attorneys to prepare, file and also to review on the case docket.

For documents where signatures may be necessary, such as a stipulation, users can type the full name along with “/s/” (indicating the signature) and then converting the document to PDF. There is no need to scan the document in order to capture the signature.

ECF filers will save time by not scanning these types of documents.

(Please review the retention period for original signatures in Local Rule 5005-2(f).)

If scanning is necessary, we recommend that documents are scanned between 200-300 dpi (dots per inch) in



order to minimize file size as well as efficiently upload and retrieve CM/ECF documents filed.

The mode of scanning can also impact file size. Mode of scanning can include “photograph”, “grayscale” or

“black and white”. ECF users should always use the “black and white” mode when scanning documents to file to the court. The software used for scanning documents should be properly configured to these settings.

Another important issue which impacts chambers staff quite often is the quality of your scanned images.

ECF users should be diligent during scanning to make sure the image is clear and readable before filing it with the ECF system. If users plan to scan exhibits which have been previously copied, the copies should be as “clean” as possible.

Copies which contain dark areas and any copy distortion will inflate the file size. Make sure the copies are clear before scanning. Also be aware that copies with much data, including tables and lines, will create a bigger output file.

E-Commerce Error and Multiple Log-ins

You probably have all experienced it, especially when you have given your ECF account to your legal assistant/paralegal. Then when you have logged into ECF, you find that your account is being used by that assistant/paralegal. And clicking next begins that frustrating browser tag that we mentioned in class.

At most, it is an inconvenience. At worst, it could become costly if you are looking at paying your fees online.

When you pay your fee online, be sure that you are the only person on your account, i.e. that you are not playing browser tag.

When you make a fee payment to the court, you are actually not paying the court but the U.S. Treasury. The Treasury will then notify the court that the fee was paid.

If you are browser tagging, the fee will be paid to the treasury but the court will not be notified of the payment. You will then be “double-billed”.

The fix is simple: be the only one on the account when you pay.

Fee Errors

On occasion, a fee issue arises over a filed pleading, and you may receive a Notice of Fees Due for something that you do not believe you owe.

If this occurs, please contact Glenn Gregorcy at 524-6561 **before paying the fee.**

The original pleading will be investigated as to a fee is owed, or if the Notice of Fees Due was simply sent in error. If no fee is due, the deadline will be terminated, and a note will be made on the docket.

If it is, in fact, owed, this will be conveyed to you and the deadline will remain in the case. This scenario occurs most frequently with amended schedules or matrices.

Occasionally, filers will file a fee-related pleading twice (accidentally). If this is the case, the Clerk's office need to be made aware of this immediately **before** the fee is paid. If the Clerk's office is notified, the fee can be deleted.

The task is far more difficult if the fee has already been paid. Obviously, this is difficult if filing on the week-end, but if at possible, do not pay the fee

needlessly.

If the occasion arises that you would like to request a fee refund, this request should be directed to the Clerk, Bill Stillgebauer, in the form of a letter or an email.

Please cite the case number, and the circumstances of why you feel a refund is in order.

Attention

Best Case Users:

There is an error that has developed with version 14 which contains the new ECF wizard. Images for the petition and Statement of Financial affairs are coming in attached to the wrong events. The problem apparently lies in the new feature.

Preparing your filings the old way (without the wizard) works fine.

Best Case is aware of the problem and is fixing the problem.

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Bankruptcy Court
District of Utah

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We're on the web at
www.utb.uscourts.gov



Electronic Bankruptcy Noticing Survey

For those of you who did not receive the following email, or received it but have not responded, here is the survey concerning duplicative noticing:

Now that many ECF users have become acclimated to CM/ECF, and made adjustments in their daily procedures for CM/ECF, the clerk's office is now investigating an ongoing problem with the system: dual noticing.

As you know, an email summary is sent to interested parties if they are an registered user of CM/ECF, as well as a party in a particular case. For some attorneys for debtor(s), this may mean a large daily batch of emails indicating what has been filed in their cases. Also, the Clerk's office mails numerous orders or notices by utilizing the BNC, which duplicates what is received via email. The clerk's office would like to measure the interest in eliminating this duplication by asking each ECF user to answer the following questions:

- 1) If possible, would you be interested in eliminating paper copies of notices and/or orders, or do you prefer the duplicative noticing? and has your office procedures been altered to accommodate this duplication?
- 2) If you prefer the receiving of duplicative notices, would you be willing to share procedures your office uses to handle the duplication?
- 3) If possible, would you like a daily list of entered orders posted on a website?
- 4) Would you consider being placed on the EBN program as a requirement to being a ECF filer? **

Please respond via email to bankruptcy_clerk@utb.uscourts.gov by the end of January. Thank you.

** For those people not familiar with the EBN program, the clerk's office has posted some information concerning this program (ran via the BNC) on our website on the "Clerk's Office" page."



Hot Topics

The answers to questions asked in class

Withdrawing Documents in ECF

Please recall there are several different ways to "withdraw" a pleading, depending on why or how one wishes to withdraw something.

If you are withdrawing a pleading because it is not pertinent to the case (i.e. wrong image), one should use "Withdrawal of Incorrectly Filed Document". This does not have an image.

If you wish to simply withdraw a previously-filed pleading, or no longer pursue a motion, either a Withdrawal of Document with no image, or Withdrawal of Document with Image can be used. I would also strongly urge anyone using this event code to still contact chambers when this involves a hearing.

In most instances, the filing of the Withdrawal prompts the case administration clerk to directly or indirectly notify chambers that a hearing has been cancelled, but occasionally the clerk may "miss" this.

It would behoove the filer to make sure chambers is aware of the cancellation of the hearing.

This is also especially true when withdrawing a pending order; in the grand majority of cases, the case administration clerk will notify chambers of a withdrawal of an order, but to be efficient, you should contact chambers and verify that they are aware of the withdrawal.